
OLR Bill Analysis

sSB 1007 (File 652, as amended by Senate "A")*

AN ACT CONCERNING REVISIONS TO THE PAID SICK LEAVE STATUTES.

SUMMARY:

This bill changes the method for determining whether an employer must provide sick leave, the timeframe for accruing such leave, and how employees may use it. Under current law, employers must provide paid sick leave based on the type of business they conduct at each business site and the number of people they employ during any of the business' calendar quarters for the prior year.

*Senate Amendment "A" changes the bill's effective date from October 1, 2013 to January 1, 2014.

EFFECTIVE DATE: January 1, 2014

BUSINESS CLASSIFICATION

Current law exempts manufacturers from providing paid sick leave based on how the North American Industrial Classification System (NAICS) classifies the type of activity conducted at each of their establishments. Consequently, a manufacturer with administrative and production facilities in separate locations could be required to provide paid sick leave at the administrative facility, but not the production one. The bill exempts manufacturers as long as their business falls under NAICS's manufacturing categories, regardless of the activities they conduct at different facilities. This means it could result in fewer employers having to provide paid sick leave.

EMPLOYEE THRESHOLD

The bill changes the method for determining if a business meets the employee threshold for providing paid sick leave. Under current law, they must provide paid sick leave if they employ at least 50 people in

Connecticut during any quarter of the previous year. They must determine if they exceed this threshold by January 1 annually based on the quarterly reports they submit to the labor commissioner. Under the bill, they must annually determine if they meet the threshold based on their payroll for the week of October 1.

TIMEFRAME FOR ACCRUING LEAVE

The bill changes the timeframe for accruing paid sick leave. Under current law, employees accrue one hour of sick leave for every 40 hours worked per calendar year. Under the bill, they accrue one hour of paid sick leave for every 40 hours they were scheduled to work in a week during the 365-day year their employer determines employee benefits. The change in year allows the employer to start the benefit year on any date, rather than January, as current law requires. The bill also explicitly limits the employee's paid sick leave to five scheduled workdays per year and makes other conforming changes.

USE OF ACCRUED LEAVE

The bill specifies how employees may use their accrued paid sick leave. As a rule, it entitles them to use the leave in one-hour increments, the same rate at which they may accrue such leave. But it also sets conditions under which employers can require workers to take the leave for their entire shift. An employer can require an employee to do so if (1) he or she is taking intermittent leave or working reduced hours for the reasons the law allows and (2) the employer reasonably believes it would be impractical for the employee to take the leave in one-hour increments.

By law, an employee can take intermittent leave or work reduced hours to serve as an organ or bone marrow donor, care for a seriously ill relative, or attend to the employee's serious health condition.

BACKGROUND

Legislative History

The Senate referred the bill (File 389) to the Labor Committee, which reported a substitute that (1) specifies that employees can accrue no more than one hour of paid sick leave for every 40 hours of weekly

scheduled work and (2) sets conditions under which employers can require employees to take leave for their entire shift instead of one-hour increments.

COMMITTEE ACTION

Commerce Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/19/2013)

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9 Nay 0 (04/23/2013)